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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,879	01/06/2004	Peter R. Brownell	P06605US00	4552
22885	7590	10/11/2005		
MCKEE, VOORHEES & SEASE, P.L.C. 801 GRAND AVENUE SUITE 3200 DES MOINES, IA 50309-2721			EXAMINER O'CONNOR, GERALD J	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/752,879

Applicant(s)

Brownell

Examiner

O'Connor

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on July 8, 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on January 6, 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Preliminary Remarks

1. This Office action responds to the amendment and arguments filed by applicant on July 8, 2005 in reply to the previous Office action, mailed April 8, 2005.
2. The amendment of claims 1, 8, and 11 by applicant in the reply filed on July 8, 2005 is hereby acknowledged.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uemura (US 2001/0027429).

Uemura discloses a method of selling replacement parts for a product over a computer network, comprising: providing a plurality of product selections for the customer to select from over the computer network; receiving a product selection of one of the products over the computer network; providing over the computer network a schematic illustrating a plurality of

component parts of the product with associated reference identifiers over the computer network; and, receiving a selection of at least one of the component parts over the computer network, but Uemura does not disclose providing a plurality of product manufacturer selection options for a customer to select from over the computer network and receiving a manufacturer selection of one of the product manufacturers over the computer network, as the website of Uemura is for a single manufacturer. However, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the method of Uemura so as to allow the customer to select a product manufacturer from a plurality of product manufacturer options over the computer network, rather than being limited to only ordering parts for products of a single manufacturer, since it is well settled that mere duplication of the essential working parts of a device involves only routine skill in the art. *In re Harza*, 124 USPQ 378 (CCPA 1960). See MPEP § 2144.04(VI)(B).

Regarding claims 2, 9, and 14, the method of Uemura further comprises providing a description of the component part selected, including at least one name for the component part and at least one manufacturer part number for the component part.

Regarding claims 3, 8, and 19, the product of the method of Uemura is not a firearm product. However, sales of firearm products are well known, hence obvious, to those of ordinary skill in the art, and official notice to that effect is hereby taken. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have adapted the method of Uemura to instead sell firearm products, as is well known to do, since so doing could

be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results, merely as a matter of design choice.

Regarding claims 4, 5, 16, and 17, the reference identifier in the method of Uemura is a selectable reference numeral, and the schematic in the method of Uemura is an exploded view.

Regarding claims 6 and 12, the method of Uemura further comprises receiving an order for the component part from the customer.

Regarding claims 7, 13, and 15, the description in the method of Uemura includes only one name and one part number associated with each component part. However, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the method of Uemura so as to have had more than one name/part number associated with each component part, since it is well settled that the mere duplication of the essential working parts of a device involves only routine skill in the art. *In re Harza*, 124 USPQ 378 (CCPA 1960). See MPEP § 2144.04(VI)(B).

Regarding claims 10 and 11, the components sold in the method of Uemura are not restricted, so no special authorization is required. However, restricting sales of certain gun components (e.g., silencers, full-auto kits/components, etc.) to be sold only to authorized (i.e., licensed) persons is well known, hence obvious, to those of ordinary skill in the art, and official notice to that effect is hereby taken. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have further modified the method of Uemura so as to sell restricted gun components, but to sell the restricted components only to properly authorized persons, as is well known to do, since so doing could be performed readily

and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results, merely as a matter of design choice.

Regarding claim 18, the reference identifiers in the method of Uemura are not listed in alphabetical order according to the part names. However, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the method of Uemura so as to list the reference identifiers in alphabetical order according to part names, merely as a matter of arbitrary design choice, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Response to Arguments

5. Applicant's arguments filed July 8, 2005 have been fully considered but they are not persuasive.

6. Regarding the argument against the Uemura reference individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

7. Regarding the argument that Uemura does not disclose that the parts diagram is provided over the computer network, Uemura indeed discloses that the parts diagram is provided over the computer network. See, in particular, ¶ 18 and ¶ 21.

8. Regarding the argument that the method of Uemura is directed to an analyzer, not a firearm, Uemura is directed to no particular product. See, in particular, ¶ 31, as well as Group I of the claims, claims 1-6, which claims nowhere make reference to any analyzer. The disclosure in the specification of Uemura is merely directed to one particular embodiment of the invention, but is in no way limiting of the invention, which is defined by the scope of the appended claims.

9. Regarding the arguments with respect to claim 7, applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited, rejections applied, or objections made. Further, they do not show how the amendments avoid such references or objections.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to the disclosure.

11. Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication, or earlier communications, should be directed to the examiner, **Jerry O'Connor**, whose telephone number is **(571) 272-6787**, and whose facsimile number is **(571) 273-6787**.

The examiner can normally be reached weekdays from 9:30 to 6:00.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Mr. Alexander Kalinowski, can be reached at **(571) 272-6771**.

Official replies to this Office action may be submitted by any *one* of fax, mail, or hand delivery. **Faxed replies are preferred and should be directed to (571) 273-8300.** Mailed replies should be addressed to "Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450." Hand delivered replies should be delivered to the "Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314."

GJOC

September 30, 2005

A handwritten signature in black ink, appearing to read "Gerald J. O'Connor", followed by the date "9/30/05" written in a similar cursive style.

Gerald J. O'Connor
Primary Examiner
Group Art Unit 3627